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FEB 16 1994

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN THE MATTER OF:

DOCKET NO. 93-75

TRINITY BROADCASTING OF FLORIDA, INC.

and

GLENDAL E BROADCASTING COMPANY

Miami, Florida

DATE OF HEARING: January 19, 1994

VOLUME: 30

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and )  
GLENDALE BROADCASTING COMPANY )

MM DOCKET NO. 93-75

Miami, Florida )  
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The above-entitled matter came on for hearing pursuant to notice before Judge Joseph Chachkin, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 3, on Wednesday, January 19, 1994 at 9:36 a.m.

## APPEARANCES:

On behalf of Trinity Broadcasting of Florida, Inc.:

HOWARD A. TOPEL, Esquire  
CHRISTOPHER HOLT, Esquire  
NATHANIEL F. EMMONS, Esquire  
Mullin, Rhyne, Emmons and Topel, P.C.  
1000 Connecticut Avenue, Suite 500  
Washington, D.C. 20036-5383

On behalf of Glendale Broadcasting Company:

LEWIS COHEN, Esquire  
JOHN J. SCHAUBLE, Esquire  
Cohen and Berfield  
Board of Trade Building  
1129 20th Street, N.W.  
Washington, D.C. 20036

On behalf of S.A.L.A.D.:

No Appearances.

## 1 APPEARANCES (Continued):

2 On behalf of the Mass Media Bureau:

3 GARY P. SCHONMAN, Esquire  
4 JAMES W. SHOOK, Esquire  
5 2025 M Street, N.W.  
Suite 7212  
Washington, D.C. 20554

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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
David Gardner				
By Mr. Emmons	4522			

E X H I B I T S

<u>Exhibits</u>	<u>Identified</u>	<u>Received</u>	<u>Rejected</u>
TBF			
Exhibit No. 37	4517	4517	
Exhibit No. 38	4518	4519	
Exhibit No. 32 as noted			4520
Exhibit No. 35			4520
Exhibit No. 32 as noted			4521
Exhibit No. 266	4578	4580	

Hearing Began: 9:36 a.m.	Hearing Ended: 4:00 p.m.
Lunch Break Began: 12:33 p.m.	Lunch Break Ended: 1:55 p.m.

## P R O C E E D I N G S

JUDGE CHACHKIN: On the record.

[Whereupon, Mr. Emmons proffered two stipulations and then described what is to be marked as TBF Exhibit Number 37.]

JUDGE CHACHKIN: The one-page document described by counsel is marked for identification as TBF Exhibit 37.

(Whereupon, the document referred to as TBF Exhibit Number 37 was marked for identification.)

MR. EMMONS: And I'd move that into evidence, Your Honor.

JUDGE CHACHKIN: Any objections?

MR. SCHAUBLE: No objection, Your Honor.

JUDGE CHACHKIN: TBF Exhibit 37 is received.

(Whereupon, the document referred to as TBF Exhibit Number 37 was received into evidence.)

MR. EMMONS: The second matter, Your Honor, is again pursuant to an agreement of the parties. I would ask that there be identified TBF Exhibit 38 which is a three-page exhibit consisting of what would be three substitute pages for -- I'm hesitating, Your Honor, because I need to know what the tab is that belongs to it. But what this is, with respect to the stations' quarterly issues programs lists that are offered into evidence, there was a question raised at the hearing a

1 few weeks ago as to whether the public service announcements  
2 that were listed for the first quarter period of time in which  
3 began the license term, whether all the public service  
4 announcements occurred within the renewal period which began  
5 February 1.

6 We determined that many of the P.S.A.'s so listed  
7 were aired in January and therefore were before the renewal  
8 term. What we had done therefore is to create a photocopy of  
9 the same pages, but have lined through every P.S.A. that ran  
10 in January. So that what's left are the P.S.A.'s that ran  
11 during the license term and we simply propose to offer this as  
12 a separate exhibit with the understanding that this is a  
13 substitute for Pages 27, 28 and 29 of -- can we go off the  
14 record for a moment, Your Honor?

15 JUDGE CHACHKIN: Yes.

16 (Off the record. Back on the record.)

17 MR. EMMONS: With Mr. Schauble's help, I've located  
18 the tab to which these pages are a substitute and it is TBF  
19 Exhibit 33, Tab H, Pages 27, 28, and 29.

20 JUDGE CHACHKIN: The document described by counsel  
21 is marked for identification as TBF Exhibit 38.

22 (Whereupon, the document referred  
23 to as TBF Exhibit Number 38 was  
24 marked for identification.)

25 MR. EMMONS: I would move that into evidence, Your

1 Honor.

2 JUDGE CHACHKIN: Any objection?

3 MR. SCHAUBLE: No objection, Your Honor.

4 JUDGE CHACHKIN: TBF Exhibit 38 is received.

5 (Whereupon, the document referred  
6 to as TBF Exhibit Number 38 was  
7 received into evidence.)

8 MR. EMMONS: And the final matter, Your Honor, is  
9 that, as you may recall, TBF had offered a composite week  
10 exhibit under the testimony of Christopher Holt and with some  
11 references in Michael Everett's testimony to that composite  
12 week and at the admission's session, Your Honor conditionally  
13 excluded both the testimony of Mr. Holt and certain references  
14 to the composite week logs that were in Mr. Everett's  
15 testimony subject to the proffer of a -- of testimony from a  
16 TBF witness to explain the logging system.

17 We have decided, Your Honor, to rest on what we have  
18 already offered and we understand that the consequence of that  
19 would be, pursuant to Your Honor's prior ruling, that the  
20 following materials will be excluded. They are the last  
21 sentence of Paragraph Nine in Exhibit 32, all of Paragraphs 22  
22 through 24 in Exhibit 32, and Tabs C, D, E, F, G, and H of  
23 Exhibit 32.

24 JUDGE CHACHKIN: Which means you're not offering it  
25 or it's --

1           MR. EMMONS: No, we're offering it, Your Honor. We  
2 want it to go forward with the record, but we understand your  
3 ruling.

4           JUDGE CHACHKIN: All right. Then Tab C -- well,  
5 then --

6           MR. EMMONS: Tabs C, D, E, F, G, and H.

7           JUDGE CHACHKIN: Right. Trinity Exhibits -- Trinity  
8 Exhibit 32, Tab C through Tab H is rejected.

9                               (Whereupon, the document referred  
10 to as TBF Exhibit Number 32,  
11 Tabs C through H was rejected.)

12           MR. EMMONS: And then also, your ruling extended to  
13 TBF Exhibit 35 in its entirety which was the testimony of  
14 Christopher Holt. We continue to offer that. We understand  
15 your ruling.

16           JUDGE CHACHKIN: And TBF Exhibit 35 is also  
17 rejected.

18                               (Whereupon, the document referred  
19 to as TBF Exhibit Number 35 was  
20 rejected.)

21           MR. EMMONS: And that concludes the preliminary  
22 matters, Your Honor.

23           MR. SCHAUBLE: And Your Honor, also the portions of  
24 Exhibit 32 are also rejected.

25           JUDGE CHACHKIN: The portions of Exhibit 32 which



1 was --

2 MR. SCHAUBLE: The last sentence of Paragraph Nine  
3 and Paragraphs 22, 23, and 24.

4 JUDGE CHACHKIN: Those portions are rejected.  
5 (Whereupon, the document referred  
6 to as TBF Exhibit Number 32,  
7 Paragraphs 22 through 24 was  
8 rejected.)

9 MR. COHEN: I have one preliminary matter, Your  
10 Honor. Mr. McCurdy called me this morning and asked me to ask  
11 you, sir, if he could be excused.

12 JUDGE CHACHKIN: He certainly can be excused.

13 MR. COHEN: And he also stated that he had no  
14 objection to the stipulations that Mr. Emmons has just  
15 referred to.

16 JUDGE CHACHKIN: All right. Are we now ready to  
17 proceed with the additional issues?

18 MR. EMMONS: Your Honor, I guess this is part of  
19 Trinity's direct case, so Trinity would call to the witness  
20 stand Mr. David Gardner.

21 JUDGE CHACHKIN: What exhibits are we dealing with  
22 now?

23 MR. EMMONS: Your Honor, there will be -- starting  
24 with TBF Exhibits 203 through 265. Those are Volumes 3B, 3C,  
25 3D, 3E, and 3F of the Trinity exhibits.

1           MR. SCHAUBLE: And also, Your Honor, there are  
2 certain other -- there is Glendale Exhibits 208 and  
3 specifically with respect to this witness, 209, and also  
4 certain exhibits of the Mass Media Bureau in the 500-range  
5 which are in Volume Seven.

6           JUDGE CHACHKIN: Let's go off the record for a  
7 moment.

8           (Off the record. Back on the record.)  
9 (Whereupon,

10                           DAVID A. GARDNER  
11 having first been duly sworn, was called as a witness herein  
12 and was examined and testified as follows:)

13           JUDGE CHACHKIN: Please be seated. Go ahead, Mr.  
14 Emmons.

15                           DIRECT EXAMINATION

16           BY MR. EMMONS:

17           Q     Mr. Gardner, for the record first, would you please  
18 state your full name and your residential address?

19           A     David A. Gardner, 16 West Oakwood Drive, Carlisle,  
20 Pennsylvania.

21           Q     Have you read any of the deposition testimony given  
22 in this FCC proceeding by George Gardner?

23           A     Yes.

24           Q     When did you read it?

25           A     I don't recall.

1 Q You don't recall when you read it?  
2 A No.  
3 Q Do you recall when George Gardner's deposition was  
4 given in this proceeding?  
5 A No.  
6 Q Did you read George Gardner's deposition testimony  
7 within the last two weeks?  
8 A No.  
9 Q For what purpose did you read his testimony?  
10 A I received a copy of it from Cohen and Berfield and  
11 I took a look at it to see what it was.  
12 Q Did you read through it?  
13 A No.  
14 Q Did you read any part of it?  
15 A Yes.  
16 Q What parts did you read?  
17 A I don't recall.  
18 Q Do you recall anything about it at all?  
19 A Nothing other than it was a large document.  
20 Q Have you read any of the deposition testimony given  
21 in this proceeding by Harold Etsell? And for the record,  
22 that's spelled E-T-S-E-L-L.  
23 A No.  
24 Q Have you read any of the deposition testimony given  
25 in this proceeding by Lee Sandifer? And for the record,

1 that's spelled S-A-N-D-I-F-E-R.

2 A No.

3 Q Have you discussed the substance of the deposition  
4 testimony of George Gardner or Mr. Etsell or Mr. Sandifer with  
5 any of those three people?

6 A No.

7 Q Have you discussed the substance of the deposition  
8 testimony of George Gardner or Harold Etsell or Lee Sandifer  
9 with counsel?

10 A Yes.

11 Q When did you have such discussion?

12 A In the past --

13 MR. SCHAUBLE: Your Honor, I think I'll interpose an  
14 objection at this point.

15 JUDGE CHACHKIN: On what grounds?

16 MR. SCHAUBLE: On the basis of relevance.

17 JUDGE CHACHKIN: Overruled.

18 MR. GARDNER: In the past two weeks.

19 BY MR. EMMONS:

20 Q In preparation for your testimony in this  
21 proceeding?

22 A Yes.

23 Q What parts of -- what was the substance of the  
24 testimony of those people that you discussed with counsel?

25 A None of it.

1 Q Well, what was the substance of your discussion with  
2 counsel about the deposition testimony of George Gardner,  
3 Harold Etsell, and/or Lee Sandifer?

4 A I was in a room when John Schauble and Lee Sandifer  
5 were about to start to discuss it and I told them that I  
6 thought I'd rather leave the room so I didn't hear their  
7 discussions.

8 Q And when was that?

9 A Sometime in the past two weeks.

10 Q Have you read George Gardner's written testimony  
11 submitted in this case?

12 A Is there a copy of it here?

13 Q Well, without reference to a copy of it, do you  
14 recall having read his written testimony?

15 A I don't recall having read it.

16 Q Do you recall being told about the substance of his  
17 written testimony by anybody?

18 A No.

19 Q Have you had discussions with counsel to prepare for  
20 your appearance here today?

21 A Yes.

22 Q When were those discussions?

23 A They've been in the past two weeks.

24 Q Who else, if anyone, was present during any part of  
25 such discussions?

1           A     John Schauble.

2           Q     Anybody else?

3           A     Lee Sandifer was for a few minutes, but then he left  
4 the room. My discussions with John Schauble were a couple of  
5 hours and Lee Sandifer was there for a few minutes.

6           Q     And what was discussed between you and Mr. Schauble  
7 while Mr. Sandifer was present?

8           MR. SCHAUBLE: Objection, Your Honor. I think we're  
9 getting into matters of preparation of the witness and I think  
10 we're dealing with matters of privilege here.

11           JUDGE CHACHKIN: Mr. Emmons?

12           MR. EMMONS: Well, Your Honor, privilege hasn't been  
13 asserted by Glendale heretofore in this case. I didn't hear  
14 an objection based on relevance and certainly the matter is  
15 relevant.

16           MR. SCHAUBLE: Your Honor, we're dealing not here  
17 with -- we're not dealing here with the actual facts that took  
18 place back at the time. The events in question took place,  
19 but now we're dealing with a question of preparation of  
20 witnesses for testimony where Glendale waived the privilege  
21 and I believe we were very specific in time frame, matters  
22 that took place back in the time frame when the -- when the  
23 events in question took place and now we're dealing here with  
24 a completely different matter, i.e. --

25           JUDGE CHACHKIN: Wait a minute. Are you objecting

1 on the grounds of relevance here or on the grounds of  
2 privilege?

3 MR. SCHAUBLE: Privilege, Your Honor.

4 MR. EMMONS: Your Honor, on that -- if that's the  
5 only ground for the objection, I will withdraw the question.

6 JUDGE CHACHKIN: All right.

7 BY MR. EMMONS:

8 Q Mr. Gardner, were you present at any discussions  
9 between counsel and either Mr. Sandifer or Mr. George Gardner  
10 in which the subject was preparation for testimony here in  
11 this case, apart from what you've just testified to about Mr.  
12 Sandifer being present for a short period at your preparation?

13 A No.

14 Q Now, you have before you, I think, Mr. Sandifer, a  
15 copy of Glendale --

16 MR. SCHAUBLE: Excuse me --

17 MR. EMMONS: I'm sorry. Did I say Sandifer?

18 MR. SCHAUBLE: Yes.

19 MR. EMMONS: I'm sorry. I'm probably going to do  
20 this inadvertently a number of times because I have a bad  
21 habit in hearings and I lose track and I ask everybody's  
22 indulgence. Mr. Gardner, I'm sorry.

23 MR. COHEN: Just don't ask him if he's a Trinity  
24 director like I did.

25 BY MR. EMMONS:

1           Q     You have a copy before you in the orange volume  
2 there of TBF -- of Glendale Exhibit 209. Would you turn to  
3 that, please? Is that a copy of your written testimony given  
4 in this proceeding?

5           A     Yes.

6           Q     Would you tell us how that testimony was -- how that  
7 statement was prepared?

8           JUDGE CHACHKIN: What exhibit are we looking at now?

9           MR. EMMONS: It's Glendale Exhibit 209.

10          JUDGE CHACHKIN: Glendale Exhibit 209. All right.  
11 I'm sorry. Go ahead with your question. You want to know how  
12 it was prepared.

13          MR. GARDNER: John Schauble and I had a phone  
14 conversation in which he asked me a number of questions and he  
15 prepared a copy of this exhibit for my review and I believe he  
16 FAX'd it to me and --

17          BY MR. EMMONS:

18          Q     Let me interrupt, if I may, Mr. Gardner. I want to  
19 be sure that you -- that we're on the same track and that you  
20 understand that Glendale Exhibit 209 is a copy of statement --  
21 testimony signed by you and submitted in this proceeding in, I  
22 think, about mid-November of 1993.

23          A     Yeah.

24          Q     That's what you have in mind as you're answering the  
25 question?



1           A     Yeah.

2           Q     Go ahead. I'm sorry.

3           A     And I believe I agreed with the way it was stated

4 and signed it. I believe I signed it in front of a notary

5 public, but I'm not sure now because I don't see any notary

6 information here.

7           Q     In any event --

8           A     In any event, I signed it.

9           Q     And it was submitted under penalty of perjury? If

10 you look at the first sentence.

11          A     Yes. That's why I thought perhaps it was signed in

12 front of a notary. But since there's no notary seal on it,

13 perhaps I'm confusing it with something else.

14          Q     Now, when you received the draft from Mr. Schauble,

15 did you -- you did review it?

16          A     Yes.

17          Q     Did you read it very carefully?

18          A     Yes.

19          Q     Did you read it word by word?

20          A     Yes.

21          Q     Did you understand every sentence?

22          A     Yes.

23          Q     Did you have time to reflect on what was said?

24          A     Yes.

25          Q     Did you, in fact, reflect on it?

1           A     Yes.

2           Q     Did you ask Mr. Schauble to make any changes to the  
3 draft that he submitted to you?

4           A     Can I look at it for a couple of minutes --

5           Q     Take all the time you need, sir.

6           A     -- to see if I can see anything that I might recall  
7 that I asked him to change.

8                   JUDGE CHACHKIN: All right. We'll go off the  
9 record.

10                   (Off the record. Back on the record.)

11                   JUDGE CHACHKIN: Back on the record. The witness  
12 has indicated he's had an opportunity now to review the  
13 statement.

14                   BY MR. EMMONS:

15           Q     And my question, Mr. Gardner, was did you ask Mr.  
16 Schauble to make any changes in the draft that he submitted to  
17 you?

18           A     I believe I did, yes.

19           Q     And what were the changes?

20           A     In regards to some of the conversations with  
21 equipment suppliers, specifically on Page Four. I believe we  
22 changed some of the words to be more specific about the exact  
23 equipment and equipment suppliers that I had had conversations  
24 about.

25           Q     You're referring to the top of Page Four?

1 A Yes.

2 Q Do you recall any other changes that you asked Mr.  
3 Schauble to make?

4 A I don't recall any other changes.

5 Q Were you satisfied that the final version of your  
6 written statement was completely accurate to the very best of  
7 your knowledge and belief?

8 A Well, I was satisfied that it was accurate, yes.

9 Q And are you still satisfied that it is accurate?

10 A Yes.

11 Q Now, are you aware of a company called Glendale  
12 Broadcasting Company?

13 A Now?

14 Q Yes. Are you now aware?

15 A Yes.

16 Q Are you aware that the owners of Glendale  
17 Broadcasting Company are George Gardner and Mary Ann Adams?

18 A I knew George Gardner was.

19 Q You did not know that Mary Ann Adams was?

20 A I didn't know until just now for sure. I suspected  
21 she was, but I did not know whether it was her or not.

22 Q Now, what is your relationship to George Gardner?

23 A He's my natural father.

24 Q And what is your relationship to Mary Ann Adams, if  
25 any?

1           A     She's my sister.

2           Q     Are you aware -- and by that, I mean, are you now  
3 aware that Glendale Broadcasting Company has pending  
4 applications for television stations in Miami, Florida and  
5 Monroe, Georgia?

6           A     I was aware of Miami, Florida. I was not aware of  
7 Georgia.

8           Q     Do you understand that this FCC hearing that we're  
9 all sitting in right now is regarding, among other things, the  
10 qualifications of Glendale Broadcasting Company to be an FCC  
11 licensee?

12          A     Yes.

13          Q     And do you understand that the particular issue as  
14 to which we're sitting here this morning involves statements  
15 made to the FCC by Raystay Company in certain low-power  
16 television applications?

17          A     Yes.

18          Q     Now, I've made a reference to Raystay Company and  
19 let me ask you some background about that company. Is it  
20 correct that Raystay is a family-owned company?

21          A     Yes.

22          Q     And who is the founder of Raystay Company?

23          A     George Gardner.

24          Q     And how long ago did he found it?

25          A     1969.

1 Q And has Raystay been controlled by George Gardner  
2 since its inception?

3 A Yes.

4 Q Now, you are one of the owners of Raystay Company,  
5 are you not?

6 A Yes.

7 Q How long have you been an owner?

8 A I believe it's been since 1977, '78, or '79. I  
9 don't recall the exact year.

10 Q And what percentage of the equity ownership do you  
11 now own?

12 A That matter's in dispute.

13 Q In dispute between whom?

14 A George Gardner and I.

15 Q What is your contention in the dispute as to how  
16 much you own?

17 A I know the number of shares, but I don't know the  
18 percentages.

19 Q Well, how many shares?

20 A 3,998 B and I believe 601 A.

21 Q Now, you referred to two classes of stock, Class B  
22 and Class A. Is one of those classes the class of voting  
23 shares?

24 A Yes.

25 Q Is that A or B?

1           A     A.  
2           Q     A is voting and so B is non-voting?  
3           A     Yes.  
4           Q     Now, what is George Gardner's contention in the  
5 dispute as to how many shares you own?  
6                     MR. SCHAUBLE:  Objection, Your Honor.  What's the --  
7                     JUDGE CHACHKIN:  Sustained.  
8                     BY MR. EMMONS:  
9           Q     Mr. Gardner, you are actively involved in Raystay's  
10 business, are you not?  
11          A     I'm employed by Waymaker Company which provides  
12 management service to Raystay Company.  
13          Q     Let's establish that for the record.  For the  
14 record, Waymaker is W-A-Y-M-A-K-E-R?  
15          A     Yes.  
16          Q     Who owns Waymaker Company?  
17          A     At this point in time, I don't know for sure.  
18          Q     Did you ever know?  
19          A     Yes.  
20          Q     What is your understanding as to who owned or owns  
21 Waymaker?  
22          A     Prior to my mother's death, George Gardner owned  
23 fifty percent and my mother, Marion Gardner, owned fifty  
24 percent.  
25          Q     Who is the -- who is the president of Waymaker?

1 A Today?

2 Q Yes.

3 A The records that I have, which are distributed to  
4 all employees, show that George Gardner is president.

5 Q And is there a board of directors of Waymaker?

6 MR. SCHAUBLE: Objection, Your Honor. What's the --  
7 I mean, a certain amount of this is background, but --

8 MR. EMMONS: Well, it's all background.

9 MR. SCHAUBLE: But I think we're getting to the  
10 point here where --

11 JUDGE CHACHKIN: I'll overrule the objection. We're  
12 interested in the events that took place -- what was it, 19--  
13 what period of time are we talking about?

14 MR. EMMONS: Well, there was a period of time that  
15 begins really in about 1989, but the statements in question at  
16 issue here were made in 1991 and '92. But there's a  
17 background to --

18 JUDGE CHACHKIN: But as far as the events are  
19 concerned, we were interested in who was at Raystay at the  
20 time the events took place. That's our only concern.

21 MR. EMMONS: Well, and as to who controls Raystay  
22 and --

23 JUDGE CHACHKIN: At that time.

24 MR. EMMONS: Yes.

25 JUDGE CHACHKIN: Well, what difference does it make

1 | what happens now in 1994?

2 |           MR. EMMONS: Well, I was going to back up. I could  
3 | frame all the questions in terms of 1991 or '92 if it -- it  
4 | seemed to me to be less confusing.

5 |           JUDGE CHACHKIN: Well, I mean, I think it's all  
6 | right for background, since he put in his statement that he's  
7 | employed by Waymaker Company, for you to develop what Waymaker  
8 | Company's relationship is to Raystay. But beyond that, I  
9 | don't see any purpose in going into -- apparently there's a  
10 | dispute over the estate.

11 |           MR. EMMONS: No, I'm not -- I'm not going to that at  
12 | all. I'm just going to the relationship between Waymaker and  
13 | Raystay.

14 |           JUDGE CHACHKIN: As it existed. Did it -- was --

15 |           MR. EMMONS: I didn't know --

16 |           JUDGE CHACHKIN: Was there such an outfit in  
17 | existence at the time of the events in question?

18 |           MR. EMMONS: Yes. I believe so.

19 |           JUDGE CHACHKIN: Well, let's find out what the  
20 | relationship was at that time. That's really what we're  
21 | concerned about.

22 |           BY MR. EMMONS:

23 |           Q     Mr. Gardner, with respect to -- let me go back and  
24 | ask you, as far as you know, when Waymaker Company was founded  
25 | or established.



1           A     1951 or '52.

2           Q     And is it correct that that, too, has been a family  
3 owned company since then, like Raystay?

4           A     In 1952, I was four years old, so I don't know who  
5 owned it.

6           Q     In the period 1989 to the present, has it been a  
7 family owned company? I mean, I'm not getting into the nature  
8 of any dispute or who owns how many shares or anything like  
9 that, but just generally whether the owners of Waymaker are  
10 members of the Gardner family or have been members of the  
11 Gardner family.

12          A     From 1989 to present?

13          Q     Yes.

14          A     I'm not an officer or director of Waymaker, so I  
15 don't know who owns it.

16          Q     Do you know who the officers and directors of  
17 Waymaker have been since 1989?

18          A     Yes.

19          Q     Who were they?

20          A     George Gardner, Lee Sandifer -- I believe Hal Etsell  
21 was an officer of Waymaker at one time. There's been others.

22          Q     Now, you mentioned, I think, a contract between  
23 Waymaker and Raystay Company for management services. Could  
24 you generally describe the nature of that contract and what  
25 services are provided?